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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PARK, ILWOO	

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,915	ERICKSON ET AL.	
	Examiner	Art Unit	
	Ilwoo Park	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/27/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takihara, US patent No. 6,253,114.

As to claim 1, Takihara teaches a computer-readable medium device, comprising:

a computer-readable medium; and

apparatus for:

to a computing device, according to a predetermined command set behavior [col. 9, lines 2-13] of the computer-readable medium device, outputting a description of first and second features [col. 9, line 58-col. 10, line 13] of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device, and the second feature being an indication of whether the computer-readable medium device executes a predetermined write strategy;

from the computing device, receiving a signal [col. 14, lines 57-61]; and

in response to the signal, accessing the computer-readable medium,

according to the first and second features.

3. As to claim 2, Takihara teaches the apparatus is for, from the computing device, according to the predetermined command set behavior of the computer-readable medium device, requesting a request for the description; and to the computing device, outputting the description in response to the request [col. 9, lines 2-13].

4. As to claim 3, Takihara teaches the computer-readable medium is a compact disc [col. 6, lines 37-44].

5. As to claim 4, Takihara teaches the computer-readable medium is a compact disc read-write medium [fig. 10].

6. As to claim 5, Takihara teaches the computer-readable medium is a compact disc read only memory medium [fig. 13A].

7. As to claim 9, Takihara teaches the apparatus is for, to the computing device, outputting the description, according to a predetermined format of the description [col. 9, lines 39-45].

8. As to claim 10, Takihara teaches the apparatus is for, from the computing device, receiving a request for a code; and to the computing device, according to the predetermined command set behavior of the computer-readable medium device, outputting the code in response to the request, as an indication that the computer-readable medium device complies with a specification represented by the code [col. 9, lines 2-13; col. 9, lines 39-45].

9. Claims 1, 2, 9-12, 19, and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsunoda et al., Japanese patent publication No. P2001-222380A.

As to claim 1, Tsunoda et al teach a computer-readable medium device [hard disk device 101], comprising:

a computer-readable medium; and

apparatus for:

to a computing device [host device 113], according to a predetermined command set behavior [Identify Device command in paragraph 0045] of the computer-readable medium device, outputting a description of first and second features [performance parameter including spindle rotational speed, cache control mode, cache size, the number of maximum read-ahead sectors, seek time formula, sector address transformation, the number of reserve sectors, ECC length, the number of on-the-fly ECC corrections, host transfer rate, etc. in paragraph 0015 and fig. 2] of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device, and the second feature being an indication of whether the computer-readable medium device executes a predetermined write strategy;

from the computing device, receiving a signal [Set Feature command in paragraph 0050]; and

in response to the signal, accessing the computer-readable medium, according to the first and second features.

10. As to claims 2 and 12, Tsunoda et al teach the apparatus is for, from the computing device, according to the predetermined command set behavior of the computer-readable medium device, requesting a request for the description; and to the computing device, outputting the description in response to the request [Identify Device command: paragraph 0045].

11. As to claims 9 and 19, Tsunoda et al teach the apparatus is for, to the computing device, outputting the description, according to a predetermined format of the description [ATA, IEEE1394, SSA in paragraph 0018].

12. As to claims 10 and 20, Tsunoda et al teach the apparatus is for, from the computing device, receiving a request for a code; and to the computing device, according to the predetermined command set behavior of the computer-readable medium device, outputting the code in response to the request, as an indication that the computer-readable medium device complies with a specification represented by the code [host 113 determining whether the disk device 101 is supporting the engine-performance optimization function if the response to the Identify Device command is received from the disk device 101 in paragraph 0048].

13. As to claim 11, Tsunoda et al teach a computer-readable medium device [hard disk device 101], comprising:

a computer-readable medium; and

apparatus for:

to a computing device [host device 113], according to a predetermined command set behavior [Identify Device command in paragraph 0045] of the computer-

readable medium device, outputting a description of a feature [performance parameter in paragraph 0045] of the computer-readable medium device, the feature being a digital audio extraction speed [spindle rotational speed for music data in paragraphs 0052 and 0054];

from the computing device, receiving a signal [Set Feature command in paragraph 0050]; and

in response to the signal, accessing the computer-readable medium, according to the feature.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 21-24, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al., Japanese patent publication No. P2001-222380A in view of Hattori, US patent No. 6,532,504.

As to claim 21, Tsunoda et al teach a computer-readable medium device [hard disk device 101], comprising:

a computer-readable medium; and

apparatus for:

to a computing device [host device 113], according to a predetermined command set behavior [Identify Device command in paragraph 0045] of the computer-readable medium device, outputting a description of first and second features [performance parameter including spindle rotational speed, cache control mode, cache size, the number of maximum read-ahead sectors, seek time formula, sector address transformation, the number of reserve sectors, ECC length, the number of on-the-fly ECC corrections, host transfer rate, etc. in paragraph 0015 and fig. 2] of the computer-readable medium device, the first feature being other than an identification of the computer-readable medium device;

from the computing device, receiving a signal [Set Feature command in paragraph 0050]; and

in response to the signal, accessing the computer-readable medium, according to the first and second features.

However, Tsunoda et al do not explicitly disclose the second feature being an indication of whether the computer-readable medium device performs buffer under-run free recording. Hattori teaches a computer-readable medium device [recording device 3], comprising: a computer-readable medium; and apparatus for: to a computing device [host device 1], according to a predetermined command set behavior [check command in col. 2, lines 56-50] of the computer-readable medium device, outputting a description of second feature, the second feature being an indication [col. 2, lines 60-62] of whether the computer-readable medium device performs buffer under-run free recording and accessing the computer-readable medium according to the second

feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsunoda et al and Hattori because they both teach a computing device requesting a description including a feature of a computer-readable medium device from the computer-readable medium device and accessing the computer-readable medium according to the description received and the Hattori's teaching of a feature being an indication of whether the computer-readable medium device performs buffer under-run free recording would increase speed and efficiency of recording operation [Hattori: col. 3, lines 47-54].

16. As to claim 22, Tsunoda et al teach the apparatus is for, from the computing device, according to the predetermined command set behavior of the computer-readable medium device, requesting a request for the description; and to the computing device, outputting the description in response to the request [Identify Device command: paragraph 0045].

17. As to claim 23, Hattori teaches the computer-readable medium is a compact disc [col. 2, lines 36-38].

18. As to claim 24, Hattori teaches the computer-readable medium is a compact disc read-write medium [col. 2, lines 36-38].

19. As to claim 25, Hattori teaches the computer-readable medium is a compact disc read only memory medium [col. 2, lines 36-38].

20. As to claim 29, Tsunoda et al teach the apparatus is for, to the computing device, outputting the description, according to a predetermined format of the description [ATA, IEEE1394, SSA in paragraph 0018].

21. As to claim 30, Tsunoda et al teach the apparatus is for, from the computing device, receiving a request for a code; and to the computing device, according to the predetermined command set behavior of the computer-readable medium device, outputting the code in response to the request, as an indication that the computer-readable medium device complies with a specification represented by the code [host 113 determining whether the disk device 101 is supporting the engine-performance optimization function if the response to the Identify Device command is received from the disk device 101 in paragraph 0048].

22. Claims 3-8 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al., Japanese patent publication No. P2001-222380A in view of Kitagawa, US patent application publication No. US 2003/0026183 A1.

As to claims 3-8 and 13-18, Tsunoda et al do not expressly disclose the computer medium being a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium. Kitagawa teaches a computing device [host device 102] requesting a description [paragraph 0006] including a feature of a computer-readable medium device [recordable optical drive 100] from the computer-readable medium device and accessing the computer-readable medium according to the description received and the computer-readable medium device wherein the computer medium being a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium

[paragraph 0002]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsunoda et al and Kitagawa because they both teach a computing device requesting a description including a feature of a computer-readable medium device from the computer-readable medium device and accessing the computer-readable medium device according to the description received and the Kitagawa's teaching of the computer medium being a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium would increase flexibility in adapting different kinds of recording/reproducing media.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. and Hattori as applied to claim 21 above, and further in view of Kitagawa, US patent application publication No. US 2003/0026183 A1.

As to claims 26-28, Tsunoda et al do not expressly disclose the computer medium being a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium. Kitagawa teaches a computing device [host device 102] requesting a description [paragraph 0006] including a feature of a computer-readable medium device [recordable optical drive 100] from the computer-readable medium device and accessing the computer-readable medium according to the description received and the computer-readable medium device wherein the computer medium being a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium [paragraph 0002]. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsunoda et al, Hattori and Kitagawa because they both teach a computing device requesting a description including a feature of a computer-readable medium device from the computer-readable medium device and accessing the computer-readable medium device according to the description received and the Kitagawa's teaching of the computer medium being a digital video disc, a digital video disc read-write medium, and/or a digital video disc read only memory medium would increase flexibility in adapting different kinds of recording/reproducing media.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (703) 308-7811 (will be changed to (571) 272-4155 during mid October, 2004). The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301 (also will be changed to (571) 272-4146 during mid October, 2004). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (tofl-free).

ILWOO PARK
PRIMARY EXAMINER

Ilwoo Park
Primary Examiner
August 17, 2004